

§ 1203b.104

§ 1203b.104 Exercise of arrest authority—general guidelines.

(a) In making an arrest, the security force personnel should announce their authority and that the person is under arrest prior to taking the person into custody. If the circumstances are such that making such an announcement would be useless or dangerous to the security force personnel or others, the security force personnel may dispense with these announcements, but must subsequently identify themselves and their arrest authority to the arrested person(s) as soon as reasonably possible.

(b) The security force personnel at the time and place of arrest may search the arrested person and the area immediately surrounding the arrested person for weapons and criminal evidence. This is to protect the arresting officer and to prevent the destruction of evidence.

(c) Custody of the person arrested should be transferred to other Federal law enforcement personnel (e.g., United States Marshals or FBI agents) or to local law enforcement agency personnel, as appropriate, as soon as possible, in order to ensure the person is brought before a magistrate without unnecessary delay.

[57 FR 4926, Feb. 11, 1992, as amended at 78 FR 5125, Jan. 24, 2013]

§ 1203b.105 Use of non-deadly physical force when making an arrest.

When a security force personnel has the right to make an arrest, as discussed in §1203b.103, the officer may use only that non-deadly physical force which is reasonable and necessary to apprehend and arrest the offender; to prevent the escape of the offender; or to defend himself/herself or a third person from what the security force officer reasonably believes to be the use or threat of imminent use of non-deadly physical force by the offender. Verbal abuse alone by the offender cannot be the basis under any circumstances for use of non-deadly physical force by a security force officer.

[57 FR 4926, Feb. 11, 1992, as amended at 78 FR 5125, Jan. 24, 2013]

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§ 1203b.106 Use of deadly force.

NASA security force personnel may use deadly force only when necessary, that is, when the officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or to another person.

(a) Deadly force may not be used solely to prevent the escape of a fleeing suspect.

(b) Firearms may not be fired solely to disable moving vehicles.

(c) If feasible and if to do so would not increase the danger to the officer or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force.

(d) Warning shots are not permitted outside of the prison context.

(e) Officers will be trained in alternative methods and tactics for handling resisting subjects which must be used when the use of deadly force is not authorized by this policy.

[78 FR 5125, Jan. 24, 2013]

§ 1203b.107 Use of firearms.

(a) If it becomes necessary to use a firearm in any of the circumstances described in §1203b.106, NASA security force personnel shall comply with the following precautions whenever possible:

(1) Give an order to halt or desist before firing.

(2) Do not fire if shots are likely to harm innocent bystanders.

(3) Shoot to stop.

(b) Warning shots are not authorized.

(c) In the event that a security force personnel discharges a weapon while in a duty status:

(1) The incident shall be reported to the Center Chief of Security who, in turn, will report it to the NASA Assistant Administrator for Protective Services as expeditiously as possible, with as many details supplied as are available.

(2) The officer shall be promptly suspended from duty with pay or reassigned to other duties not involving the use of a firearm, as the Center Director or the Assistant Administrator for Protective Services deems appropriate, pending investigation of the incident.